

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:15-CV-143-D

ADRIAN BERBER,  
on behalf of himself and  
all others similarly situated,

Plaintiff,

v.

HUTCHISON TREE SERVICE,  
NORTHSTAR ENERGY SERVICES, INC.,  
PIEDMONT NATURAL GAS, INC.,  
and CRAIG HUTCHISON,

Defendants.

**ORDER**

The court DENIES without prejudice plaintiff's motion for conditional certification pursuant to the Fair Labor Standards Act and class certification pursuant to Federal Rule of Civil Procedure 23 [D.E. 58]. The parties SHALL conduct a court-hosted settlement conference with United States Magistrate Judge Gates. If the settlement conference does not resolve the case, the court will address the merits of plaintiff's motion.

Judge Gates will notify the parties how he wishes to proceed concerning the settlement conference, and the date on which it will be held.

SO ORDERED. This 17 day of September 2017.

  
JAMES C. DEVER III  
Chief United States District Judge